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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,659	04/13/2004	Tetsuya Miyahara	107355-00113	3143

7590 05/15/2006  
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Washington, DC 20036-5339

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT PAPER NUMBER

3683

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,659	<b>Applicant(s)</b> MIYAHARA, TETSUYA	
	<b>Examiner</b> Lan Nguyen	<b>Art Unit</b> 3683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>approved drawings</u> .                |

## DETAILED ACTION

### *Drawings*

1. The drawings were received on 3/2/06. These drawings are approved.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto in view of Sprang et al., and further in view of Admitted Prior Art in page 1 of the specification.

Re: claims 1 and 2, Miyamoto shows a liquid sealed mount device, as in the present invention, comprising: a first mounting member 7, 9; a second mounting member 5; an elastic material 10 wherein the elastic material is rubber, bridging the gap between the first mounting member and the second mounting member; a diaphragm 12 for forming a liquid chamber sealing the liquid together with the elastic material; a partition wall 24 for partitioning the liquid chamber into two liquid chambers, as shown; and an orifice 28 provided in the partition wall for communicating the two liquid chambers; wherein the elastic material is vulcanized and bonded integrally with and directly contacts the first mounting member for caulking and fixing the diaphragm; and

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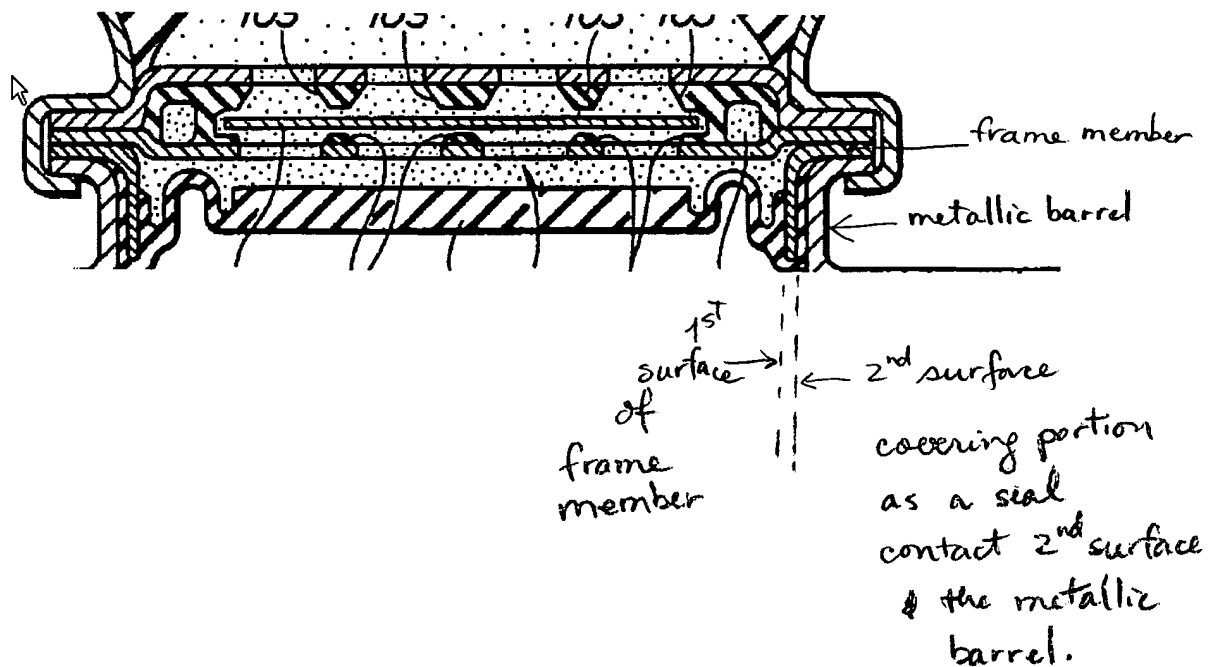
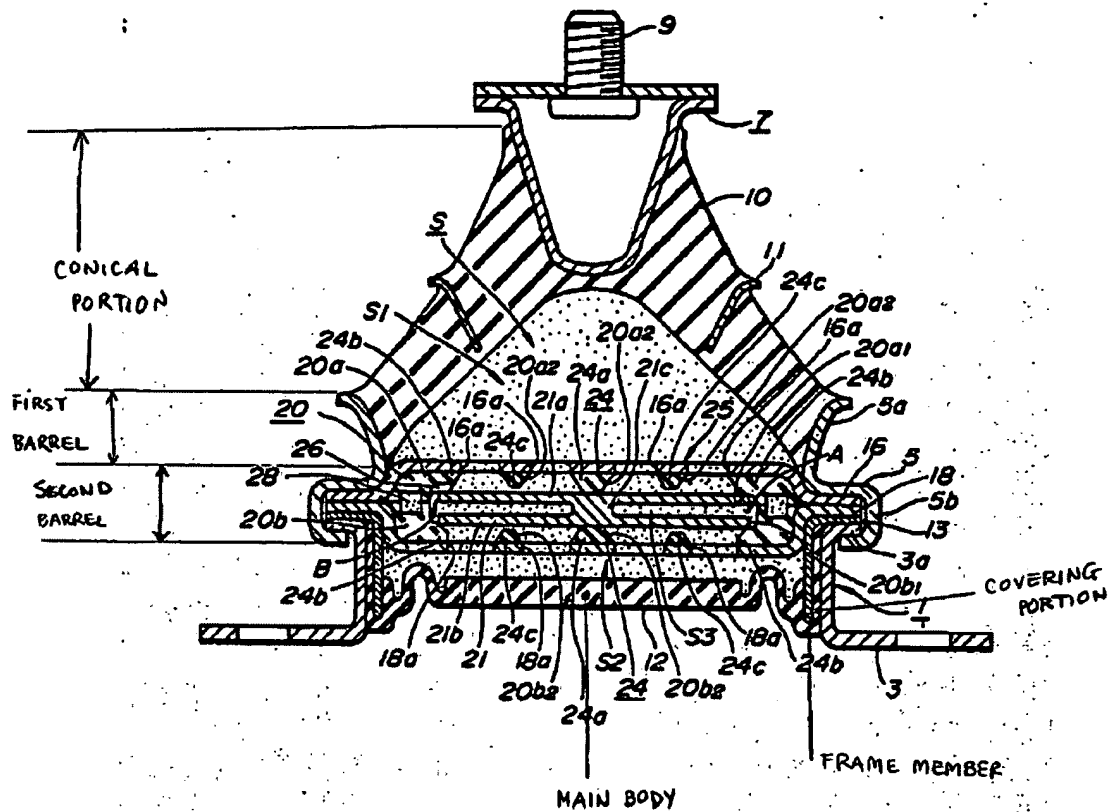
wherein the second mounting member is formed on the outer circumference of the elastic material, as shown, in which a seal is provided between a metallic barrel member 3 and the diaphragm 12 by caulking the peripheral edge part of the diaphragm with the metallic barrel member, as shown. Miyamoto's device lacks the resin material formed by injection molding for the second mounting member. Admitted Prior Art on page 1 of the instant application shows that injection molding a resin material onto a rubber for a damping device is old and well-known in order to reduce the weight of the device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed resin as a material for the second mounting member of Miyamoto's device as taught by the Admitted Prior Art in order to reduce the weight of the device. Miyamoto's device also lacks the rubber being directly contacting the metallic barrel member. Sprang et al. teach the concept of a mount device wherein the rubber 5 is vulcanized and bonded integrally with and directly contacts the first mounting 6 and the metallic barrel member 2 in order to provide a good seal. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have further modified Miyamoto's device to comprise the rubber to be vulcanized and bonded integrally with and directly contacts the first mounting and the metallic barrel member in order to provide a good seal as taught by Sprang et al. Miyamoto further shows the diaphragm 12 comprises a frame member, a main body bonded to a first surface of the frame member, and a covering portion bonded to a second surface of the frame member, wherein the covering portion defines a seal member which directly engages the metallic barrel member and the second surface of the frame member, as

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marked below. Miyamoto also shows the partition wall 24 being supported by the second mounting member 5, and caulked and fixed thereto by the metallic barrel member 3 via the frame member from the opening side thereof, as marked below. Note that as modified by Sprang, Miyamoto's rubber would be extending to the end of the second mounting member and would have been located between the second mounting member and the partition wall to meet the claimed feature "via the elastic material" in the amended portion of claim 1.

Re: claim 3, Miyamoto further shows the elastic material 10 comprises a conical portion, a first barrel portion extending from an open end of the conical portion, as modified by Sprang, Miyamoto's device would have a second barrel portion extending from a free end of the first barrel portion, as marked below.

Re: claims 7 and 8, Miyamoto shows the partition wall comprises a main body encompassing a membrane 21 wherein the membrane of the partition wall closes a through the hole 16 defined in the main body of the partition wall and absorbs variations in liquid pressure within one of the two liquid chambers.



***Response to Arguments***

4. Applicant's arguments with respect to the claims have been considered but are non persuasive. It is noted that the amended portion of claim 1 comprises substantially the substance of deleted claims 4-6. These features were rejected previously in the Office Action dated 11/02/05. The rejection has been modified to meet the amended portion.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is (571) 272-7121. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on (571) 272-6786. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

XUAN LAN NGUYEN  
PRIMARY EXAMINER

*Lan Nguyen* 5/11/06



FIG. 7B (Prior Art)

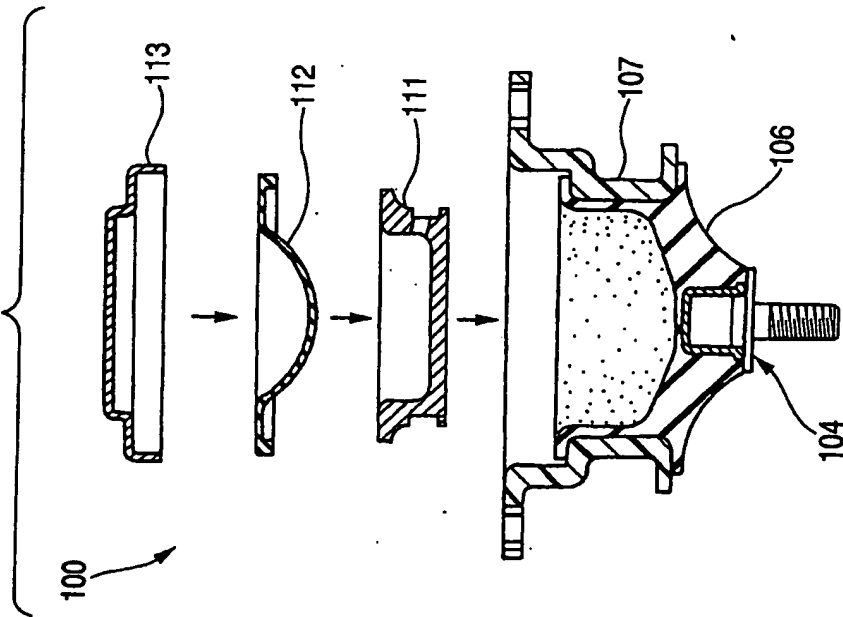
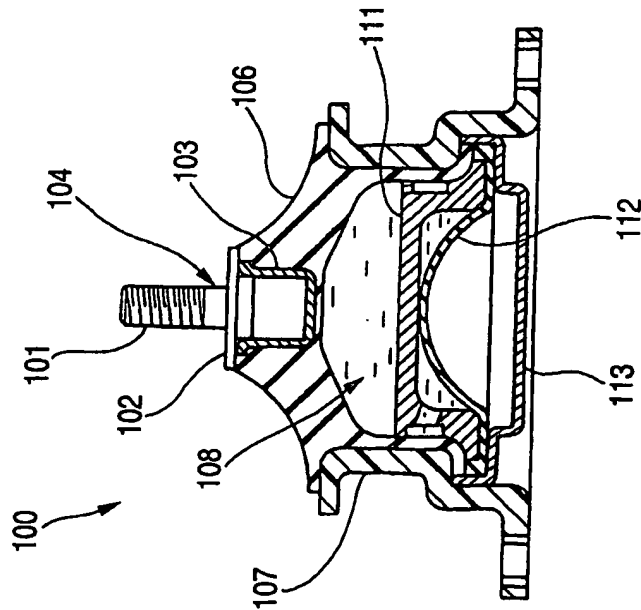


FIG. 7A (Prior Art)



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FIG. 8B (Prior Art)

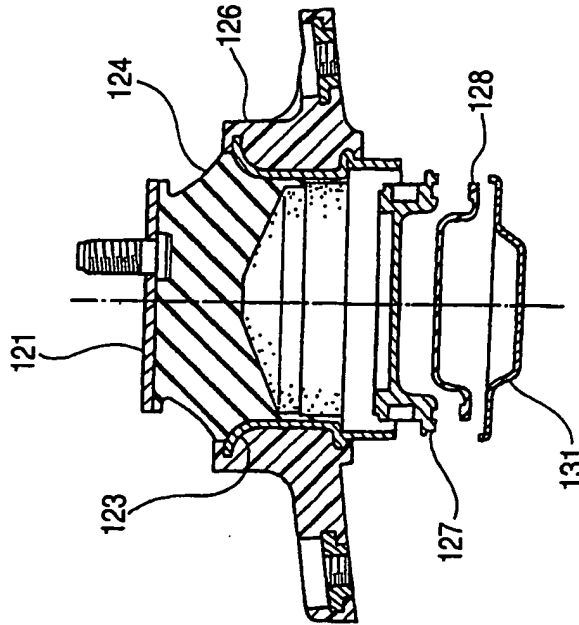
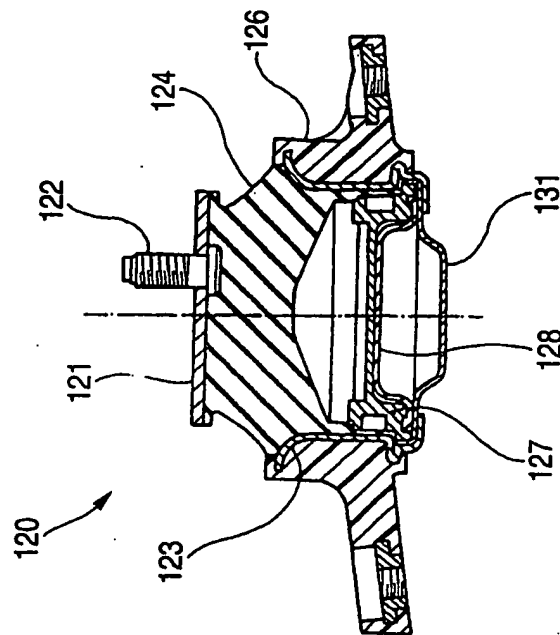


FIG. 8A (Prior Art)



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5/11/06